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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,225	11/06/2000	Ralph Victor Bain		8358

27234 7590 05/17/2005

RALPH V. BAIN  
39908 SAN SIMEON COURT  
FREMONT, CA 94539-3619

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/707,225

Applicant(s)

BAIN, RALPH VICTOR

Examiner

Pramila Parthasarathy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 03/05/2005, PROSECUTION IS HEREBY REOPENED. Applicant's arguments with respect to claims 1 – 3 and 5 – 9 have been considered but are moot in view of the new ground(s) of rejection as set forth below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 3 and 5 – 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. The independent Claim 1 reads, "... web site page ....", "...validating an associated key...", "automatically activate" and "execute within the confines".

With respect to "web site page", although the specification discloses "web site" is a network server and "Page" is a downloaded document created using HTML, (Instant application Page 2 line 1 – 10), the specification does not disclose a "web site page".

With respect to "validating an associated key", although the specification discloses "A message is displayed 310 to apprise the viewer of the requirement to enter ..., it is determined whether a valid showkey was successfully entered ..." (Instant application Page 9 line 1 – 17), the specification does not disclose a method for "validating an associated key".

With respect to "automatically activate", although the specification discloses "Call 121 to controller 101 conditionally activates processing for the showkeys .." (Instant application Page 6 line 6 – 9), "When each cryptogram package 111 is encountered during the browser's loading of pages 100, call 123 activates..." (Instant application Page 10 lines 10 – 14) and "conditionally triggers the one-time processes in controller 101 and key handler ... any page 100 are loaded, they activate decrypter 104" (Instant application Page 12 lines 1 – 5), the specification does not disclose a method for "automatically activate". The specification does not indicate how to provide decryption function within said web site page, which will "automatically activate".

With respect to "execute within the confines", although the specification discloses "As technology .... capability to recognize and execute script...." (Instant application

Background – Prior Art, Page 2 line 18 – 25), the specification does not disclose a method for “execute within the confines”.

For Examination purposes Examiner broadly interpret, “web site page” as “a document” on the World Wide Web, “validating an associated key” as authenticating an user’s input including but not limited to password, pass phrase, symmetric key, and such, “automatically activate” as decryption function activating after web page being downloaded to the client and after the user entering an associated key (please refer above for interpreting an associated key), and “execute within the confines” as decrypting a cryptogram with the user’s associated key.

4. The dependent Claim 6 further reads, “wherein a human operator provides said plurality of said associated keys, comprising ...whereby said human operator determines which of said plurality of said cryptograms are decrypted”. The specification does not explain how a “human operator provides said plurality of said associated keys” or how a “human operator determines which of said plurality of said cryptograms are decrypted”.

For Examination purposes “wherein a human operator provides said plurality of said associated keys, comprising ...whereby said human operator determines which of said plurality of said cryptograms are decrypted ” is broadly interpreted as an user entering an input including but not limited to password, pass phrase, symmetric key, and such, and decryption function decrypting cryptograms that are on the web page.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent Claim 1 reads, "... execute within the confines ...". Although the specification discloses "As technology .... capability to recognize and execute script...." (Instant application Background – Prior Art, Page 2 line 18 – 25), the specification does not disclose a method for "execute within the confines" and "execute within the confines" is vague and indefinite.

For Examination purposes Examiner broadly interpret, "execute within the confines" as decrypting a cryptogram with the user's associated key.

6. The dependent claims 2, 3 and 5 – 9 are rejected at least by virtue of their dependency on the dependent claims.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 3 and 5 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Garib (U.S. Patent Number 6,728,378).

8. Regarding Claim 1, Garib teaches a web site page, comprising:

- (a) providing said web site page (Column 7 lines 19 – 47),
- (b) providing a cryptogram within said web site page (Column 2 lines 1 – 40 and Column 7 lines 19 – 47),
- (c) providing the data within said web site page for validating an associated key for said cryptogram (Column 2 lines 1 – 40 and Column 7 lines 19 – 47), and
- (d) providing said decryption function within said web site page which will:
  - (1) automatically activate as said web site page is being displayed (Column 2 lines 1 – 40, Column 7 lines 19 – 47 and Column 13 lines 35 – 53),
  - (2) execute within the confines of said web site page (Column 2 lines 1 – 40, Column 7 lines 19 – 47 and Column 13 lines 35 – 53),
  - (3) receive and validate said associated key (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53 and Column 16 lines 17 – 55),and
- (4) make available a decrypted version of said cryptogram (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53 and Column 16 lines 17 – 55).

**9.** As per Claim 2 Garib teaches wherein said decryption function makes available a plurality of said decrypted versions in a plurality of said web site pages in a web site, whereby all said decrypted versions are available for display in the original position of their corresponding said cryptograms within said web site (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53, Column 14 lines 41- 54 and Column 16 lines 17 – 55).

**10.** As per Claim 3 Garib teaches wherein said cryptogram is of any size up to the size allowed by HTML standards for the body of said web site page (Column 12 lines 16 – 59).

**11.** As per Claim 5 Garib teaches wherein said decryption function obtains said associated key from a plurality of said associated keys, whereby each of said plurality of said web site pages contains within itself the means for independently decrypting a plurality of said cryptogram (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53 and Column 16 lines 17 – 55).

**12.** As per Claim 6 Garib teaches a human operator provides said plurality of said associated keys, comprising:

(a) providing a first means for sending an input request to said human operator, and (b) providing a second means for receiving said plurality of said associated keys directly into said website page, whereby said human operator determines which of said



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plurality of said cryptogram are decrypted (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 11 lines 17 – 36, Column 13 lines 35 – 53 and Column 16 lines 17 – 55).

**13.** As per Claim 7 Garib teaches wherein said human operator receives a validity report directly from said decryption function upon entry of each said associated key, whereby said human operator is afforded the convenience of receiving notice of the validity of each said key from said web site page itself (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53 and Column 16 lines 17 – 55).

**14.** As per Claim 8 Garib teaches wherein said plurality of said associated keys are made available to said plurality of said web site pages in said web site, comprising:  
(a) providing a frameset page which will establish communication between said plurality of said web site pages if not already established, and (b) providing a third means which will distribute said plurality of said associated keys to all said web site pages as they are displayed, whereby said human operator is afforded the convenience of entering said plurality of said associated keys in a single declaration (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53 and Column 16 lines 17 – 55).

**15.** As per Claim 9 Garib teaches wherein said decryption function operates only on the first instance of said cryptogram Ying found within said web site, whereby said human operator is requested to enter said plurality of said associated keys only if an instance of said cryptogram is encountered while said human operator is browsing said

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web site (Column 2 lines 1 – 40, Column 7 lines 19 – 47, Column 13 lines 35 – 53 and Column 16 lines 17 – 55).

### ***Conclusion***

**16.** Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**17.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on Tuesday – Thursday 8:00a.m. To 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy  
May 13, 2005.

  
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